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OFFICE OF PETITIONS

In re Patent No. 6,108,992
Issued: August 29, 2000
Application No.: 09/170,234
Filing Date: October 13, 1998
Attorney Docket No. **1123U101**

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: **REQUEST FOR INFORMATION**
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This is a request for information in response to the petition under 37 CFR 1.378(b), filed April 18, 2011, to reinstate the above-cited patent.

Petitioner is allowed a non-extendable period for reply of **TWO (2) MONTHS** from the mailing date of this communication to provide a response. The response should be titled, "Response to Request for Information." If no response is provided within the period set forth, a decision will be made solely on the merits as set forth in the petition under 37 CFR 1.378(b) filed April 18, 2011. No additional fees are due.

The patent issued August 29, 2000. The 7.5 year maintenance fee could have been paid from August 29, 2007, through February 28, 2008, or with a surcharge, as authorized by 37 CFR 1.20(h), during the period from March 1, 2008, to August 29, 2008. Petitioner did not do so. Accordingly, the patent expired at midnight on August 29, 2008.

Petitioner is required to address the following points:

- A successful petition under 37 CFR 1.378(b) must affirmatively identify the cause of the delay in paying the maintenance fee and provide a statement from every person with first-hand knowledge of the circumstances surrounding the delay in paying the maintenance fee. Petitioner must provide statements from any person who may have been charged with paying the maintenance fee and statements from any person with first-hand knowledge of the circumstances surrounding the failure to pay the maintenance fees. This would presumably include a statement from Mr. Andree Arff who petitioner asserts was the assignee for the patent.
- 37 CFR 1.378(b)(3) sets forth that a petition submitted under this portion of the Code of Federal Regulations must include a showing which is described as follows:

A showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the

expiration of the patent, and the steps taken to file the petition promptly.

Petitioner must, therefore, describe the steps that were in place to ensure that the maintenance fee was timely paid. This showing would include an explanation of who was responsible for paying tracking and paying the maintenance fee and the method this person, or entity, used for tracking the maintenance fee

- Petitioner must describe when petitioner became aware that the patent was expired and the steps petitioner took to reinstate the patent

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patent
 Mail Stop Petitions
 Box 1450
 Alexandria, VA 22313-1460

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petition Attorney
Office of Petitions